



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

DEC 3 2003

400 Seventh St., S.W.
Washington, D.C. 20590

Mr. Richard L. Gilbert
Railroad Commission of Texas
Gas Services Division
P. O. Box 12967
Austin, TX 78711-2967

File No.: 020006

Dear Mr. Gilbert:

This responds to your letter regarding clarification of the compliance dates in § 173.315(n)(5)(ii) as they apply to appropriate emergency discharge control capability applicable to MC 330, MC 331, or non-specification cargo tanks authorized to transport liquefied compressed gas. I apologize for the delay in responding and hope it has not caused any inconvenience.

You asked:

Q1. Are cargo tank motor vehicles that have been repaired or modified to the extent that a pressure test is needed also required, as specified in § 173.315(n)(5)(ii), to meet the emergency discharge control retrofit requirement before they can be placed back into service?

A1. The compliance dates specified in § 173.315(n)(5)(ii) apply to the requalification of a cargo tank motor vehicle, and not to a cargo tank that has been repaired or modified and requires a pressure test. However, if the pressure test associated with a repair or modification is also used as a requalification test and to establish a new retest date, such requalification triggers the requirement for emergency discharge control retrofit.

A requalified cargo tank motor vehicle in liquefied compressed gas service must be equipped with an emergency discharge control capability at the date of its first scheduled pressure test after July 1, 2001. An MC 330, MC 331, or non-specification cargo tank motor vehicle may not be operated after July 1, 2006, unless it has been equipped with emergency discharge control equipment as specified in § 173.315(n). Each passive shut-off system installed prior to July 1, 2001, must be certified by a Design Certifying Engineer that it meets the requirements of § 173.315(n)(2).

Q2. May an operator arbitrarily have a pressure test performed on a vehicle prior to the next scheduled pressure retest date and thereby delay the retrofit requirement until July 1, 2006?



020006

173.315(n)

- A2. The answer is no. As specified in 173.315(n)(5)(ii), an MC 330, MC 331, or non-specification cargo tank motor vehicle in liquefied compressed gas service is prohibited from being "operated" after July 1, 2006, unless it has been equipped with emergency discharge control equipment. A pressure test performed prior to its scheduled pressure retest date has no bearing on this date.

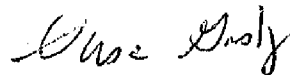
A specification cargo tank that for any reason no longer meets the applicable specification may not be used unless the cargo tank is repaired and retested in accordance with §§ 180.407 and 180.413 prior to being returned to hazardous materials service. Each cargo tank must be tested and inspected as specified in accordance with the §180.407 by an inspector meeting the qualifications of § 180.409.

- Q3. Is it the intent of this rule to require that the emergency discharge control capability be installed anytime a pressure test is performed after July 1, 2001?

- A3. See answer "A1."

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,



Susan G. Gorsky
Senior Transportation Specialist
Office of Hazardous Materials Standards

MICHAEL L. WILLIAMS, CHAIRMAN
CHARLES R. MATTHEWS, COMMISSIONER
TONY GARZA, COMMISSIONER



STEPHEN L. PITNER
DIVISION DIRECTOR
BYRON CAFFEY
ASSISTANT DIRECTOR
LP-GAS SAFETY

RAILROAD COMMISSION OF TEXAS
GAS SERVICES DIVISION

November 6, 2001

Engrum
§ 173.315(k)
Cargo Tanks
02-0006

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7TH Street S.W.
Washington, D.C. 20590-0001

RE: MC330, MC 331 or non-spec cargo units under 173.315(k) authorization

Dear Mr. Mazzullo:

173.315 (n) (5) (ii) requires an appropriate emergency discharge control capability to be installed on the above referenced motor vehicles. This equipment is to be installed "no later than the date of its first scheduled pressure retest required after July 1, 2001" and all affected vehicles must have this capability installed by July 1, 2006. I have the following questions concerning this requirement:

1. Are vehicles that have been repaired or modified to the extent that a pressure test is needed, also required to meet the emergency discharge control retrofit requirement before they can be placed back into service?
2. May an operator arbitrarily have a pressure test performed on a vehicle prior to the next scheduled pressure retest date and thereby delay the retrofit requirement until July 1, 2006?
3. Is it the intent of this rule to require that the emergency discharge control capability be installed anytime a pressure test is performed after July 1, 2001?

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Gilbert".

Richard L. Gilbert
Program Specialist